**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111**
Serial Number: 09/774,001
Filing Date: January 31, 2001
Title: SYSTEM AND METHOD FOR PROVIDING EXPANDABLE PROXY FIREWALL SERVICES

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## REMARKS

This is in response to the Office Action mailed on <u>June 24, 2004,</u> and the references cited therewith.

Claims 1, 10, 17 and 19 are amended, claim 25 is canceled, and new claim 27 is added; as a result, claims 1-24, 26 and 27 are now pending in this application.

### *§112 Rejection of the Claims*

Claim 25 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 25 has been cancelled.

### *§102 Rejection of the Claims*

Claims 1-26 were rejected under 35 USC § 102(e) as being anticipated by Devine et al. (U.S. 6,606,708).

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). Applicant respectfully submits that the Office Action did not make out a *prima facie* case of anticipation because Devine does not teach each and every claim element arranged as in the claims, as further argued below.

Devine teaches a double firewalled system. As described at col. 8, line 22 through and shown in Figs. 4 and 5, web servers 24 and 52 are placed in a demilitarized zone (DMZ). Client devices 10 access the web servers through public internet 15. Attempts to access the company intranet pass through a firewall 29a (the first firewall) to a dispatcher service and from there are directed through a proxy firewall (the second firewall).

As can be seen in Fig. 4 and as noted at col. 9, lines 42-44, Devine's network architecture may include a variety of application specific proxies associated with Intranet application server. As noted at col. 10, lines 9-16,

> Each of the individual proxies may be maintained on the dispatch server
> 26, the related application server, or a separate proxy server situated between the
> dispatcher server 26 and the midrange server 40. The relevant proxy waits for

requests from an application client running on the customer's workstation 10 and then services the request, either by handling them internally or forwarding them to its associated Intranet application server 40.

Applicant notes that it can be difficult to expand firewall services in order to handle increased firewall traffic. To address this issue, Applicant teaches, and claims in claims 1-24, 26 and 27, dividing a proxy firewall into a dispatch host computer and one or more load host computers. Each load host computer can host one or more proxies. Firewall traffic is distributed across the load host computers so as to balance the load across each load host computer. Claims 1-16 and 19 have been amended to emphasize this difference.

Applicant respectfully submits that Devine performs no load balancing function. In fact, Device teaches away from it. Instead of locating the proxies to balance the load across the proxy servers and rebalancing as necessary, Devine suggests that the proxies be placed in the dispatch server, on the application servers or in a separate proxy server. Reconsideration and allowance of claims 1-16 and 19 is respectfully requested.

The Examiner stated that Devine anticipates claim 17 by identifying a resource intensive protocol and designating a load host computer for providing primary support for that protocol. Applicant respectfully disagrees. Devine assigns a single proxy to each application. There is no analysis of the resource intensiveness of the protocol in determining where to place that proxy. In contrast, Applicant teaches, and claims in claims 17-22, identifying resource intensive protocols and assigning one or more load host computers as needed to handle the proxy for that protocol. Reconsideration and allowance of claim 17-22 is respectfully requested.

The Examiner stated that Devine anticipates claim 23 in that Devine teaches connecting a second load host computer to the dispatch host computer and updating a configuration file on the dispatch host computer to reflect the new connection. Applicant was unable to any such teaching or suggestion in the sections identified by the Examiner, or anywhere else in Devine. Reconsideration and allowance of claim 23-27 is respectfully requested.

In addition, there is no mention in Devine of a configuration file as described by Applicant and claimed in claims 7 and 8, of communicating availability as described by Applicant and claimed in claim 11, of distributing the load in round robin fashion as described by Applicant and claimed in claim 13, or of distributing the load according to the ways described by Applicant and claimed in claims 14-16.

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## CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6909 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date _December 23, 2004_  By _____
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this _23_ day of December, 2004.

_Peter Rebuffoni_ _____
Name

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Signature